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Fiber Technologies, LLC
CC Docket No. 98-147
CC Docket No. 96-98
October 12, 2000

OCT 12 2000

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**BEFORE THE
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Deployment of Wireline Services Offering)	CC Docket No. 98-147
Advanced Telecommunications Capability)	
)	
and)	
)	
Implementation of the Local Competition)	CC Docket No. <u>96-98</u>
Provisions of the)	
Telecommunications Act of 1996)	

COMMENTS OF FIBER TECHNOLOGIES, LLC

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Dated: October 12, 2000

EXECUTIVE SUMMARY

Fiber Technologies applauds the Commission for its current effort to ensure that the conditions are present in the ILEC central offices that will ensure the development of robust competition for all forms of telecommunications services. Fiber Technologies fully supports the efforts of those competitive carriers that advocate the need to collocate a diverse range of equipment in ILEC central offices. However, in these comments Fiber Technologies focuses on the need for competitive fiber providers ("CFPs") to have access to ILEC premises for the purpose of interconnecting with CLECs that are collocated there. Fiber Technologies argues that the ability to collocate and interconnect with CLECs is crucial to ensure that CFPs will be able to provide transport services in competition with the ILECs.

The plain meaning and structure of Section 251 make clear that the Act requires ILECs to permit competitive providers that are collocated on ILEC premises to interconnect with on another directly, without having to go through the incumbents' networks. Specifically, when one CLEC connects to another that is, in turn, collocated in an ILEC premises for the purpose of obtaining access to UNEs, both carriers are interconnecting and obtaining access to UNEs within the meaning of the Act. Fiber Technologies urges the Commission to clarify that the requirement contained in section 251(c)(6) that ILECs' provide physical collocation of equipment "necessary for interconnection . . . at the premises of the local exchange carrier" is best read to include interconnection between CLEC and CFP networks. Otherwise, CLECs will not have access to competitive transport and advanced services networks but rather will be unwilling captives, with access only to ILEC transport and network services.

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**COMMENTS OF
FIBER TECHNOLOGIES, LLC**

Fiber Technologies, LLC ("Fiber Technologies"), by undersigned counsel and pursuant to the Federal Communications Commission's ("Commission") *Order on Reconsideration and Second Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and Fifth Further Notice of Proposed Rulemaking in CC Docket No. 96-98* ("Collocation Remand NPRM"), hereby submits its Comments in the above-captioned proceeding.¹ Fiber Technologies urges the Commission determine that competitive fiber providers ("CFPs") are entitled under the Telecommunications Act of 1996 (the "Act") to route fiber optical transport facilities into incumbent local exchange carrier ("ILEC") central offices and to collocate facilities needed to interconnect with collocated competitive local exchange carriers ("CLECs"), even in situations

¹ *Deployment of Wireline Service Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Doc. Nos. 96-98 & 98-147, Order on Reconsideration and Second Further Notice of Proposed Rulemaking in CC Docket No. 98-147 and Fifth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, FCC 00-297 ("Collocation Remand Order and NPRM").

where CFPs do not directly interconnect with, or access unbundled network elements of, the ILEC and so that CLECs will have access to these services. The ability to collocate and interconnect with CLECs is necessary so that CFPs may provide transport services in competition with the ILEC. This determination is fully supported by the Act and will help ensure the development of local competition.

Fiber Technologies is a CFP based in Rochester, New York and is in the process of deploying fiber networks throughout the New England and mid-Atlantic regions. By year-end, the company expects to provide service in Syracuse, Buffalo, and Albany, New York, as well as in certain regions of Massachusetts and Rhode Island. By 2001, it hopes to deploy networks in Rochester, New York, as well as in certain regions of Connecticut, New Hampshire, and Pennsylvania. Capacity on this network will be leased to CLECs, Internet service providers ("ISPs"), and other volume users of high capacity telecommunications facilities.

Fiber Technologies welcomes the Commission's efforts to ensure that the provisioning and availability of collocation space in ILECs' premises does not remain a choke point delaying the deployment of facilities-based local telecommunications services. Fiber Technologies agrees with the Commission that promoting the availability and timely provisioning of collocation space is necessary for the development of robust competition. However, Fiber Technologies believes that there is still one important aspect of collocation that the Commission has not adequately addressed, namely ensuring the availability of fiber entrance facilities for CFPs such as Fiber Technologies. The inability of CFPs to obtain consistent access to CLECs collocated in ILEC premises is materially hindering the ability of CLECs to reach their customers and is delaying the development facilities based competition among providers of telecommunications services.

The request for Comment on the issue of cross-connects and indirect collocation brings the issue of the CFP collocation once again before the Commission for consideration.² For the reasons set forth below, Fiber Technologies urges the Commission to clarify that ILECs are required under Section 251(c)(6) of the Act to permit the cross-connection of CLEC networks within ILEC premises and to provide collocation and fiber entrance facilities on a uniform and timely basis. Furthermore, Fiber Technologies fully supports the Commission's approach of permitting the collocation of equipment necessary to support the wide variety of telecommunications services currently available or under development. In these initial Comments Fiber Technologies will concentrate on the issues related to CFP access to CLECs on ILEC premises. Nevertheless, Fiber Technologies reserves the right to address other issues in reply comments.

I. The Commission's Approach To Collocation Should Be Guided By The Principal Of Reasonableness And Nondiscrimination So As To Advance The Pro-competitive Goals Of The Act

Section 251 is the first section in Part II, Title One of the Telecommunications Act of 1996 ("Act"), which is titled "Development of Competitive Markets."³ Above all else, the language of section 251 must be read to promote the straight-forward purpose summed up in the title of Part II - - to promote the development of competitive markets. In section 251, the principles of nondiscrimination and reasonableness are included with the purpose of advancing the pro-competitive goal of the Act. Specifically, section 251(c)(6) of the Act requires that ILECs provide "physical collocation of equipment necessary for interconnection or access to

² *Id.* at ¶¶ 88, 92.

³ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, *codified at* 47 U.S.C. § 151 *et. seq.*

unbundled network elements” “on rates, terms, and conditions that are just, reasonable, and nondiscriminatory.”⁴

The Commission has broad authority to require absolute competitive parity between ILECs and CLECs with respect to occupation and use of ILEC central offices and remote terminals. In fact, it would be hard to overstate the breadth of the Commission’s authority to prescribe reasonable terms and conditions for collocation and to prevent undue discrimination by the incumbent against CLECs in providing collocation of equipment deemed “necessary” for interconnection or access to UNEs. As the Commission has long recognized, the prohibition against discrimination that appears throughout Section 251 is unqualified and absolute; the term “nondiscriminatory” is not qualified by words such as “undue” or “unjust and unreasonable” that might limit it to something less than parity.⁵

In addition, by requiring ILECs to aid their competitors through providing interconnection, the Act creates an opportunity “for the LEC to discriminate against its competitors by providing them with less favorable terms and conditions of interconnection than it provides itself.”⁶ The risk of damage to competition created by this inherent incentive requires that the Commission adopt rules that strictly enforce the prohibition on discrimination contained

⁴ *Id.* at § 251(c)(6).

⁵ See *In the Matter of the Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, CC Docket No. 96-98, FCC 96-325, First Report and Order, 11 FCC Rcd. 15499 at ¶ 218 (1996) (“*Local Competition Order*”).

⁶ *Id.* The Commission has noted that:

We believe that the term ‘nondiscriminatory,’ as used throughout section 251, applies to the terms and conditions an incumbent LEC imposes on third parties as well as on itself. In any event, by providing interconnection to a competitor in a manner less efficient than an incumbent LEC provides itself, the incumbent LEC violates the duty to be “just” and “reasonable” under section 251(c)(2)(D). *Id.* (emphasis added).

in section 251. Accordingly, Fiber Technologies urges the Commission to exercise its authority under section 251(c)(6) to provide CFPs with greater access to ILEC premises as set forth below.

II. Interpreting The Act As Forbidding Collocation For The Purpose Of Indirect Interconnection Would Have The Effect Of Denying CLECs Access To Competitive Fiber Services Contrary To The Pro-competitive Purpose Of The Act

In order for the ordinary and fair meaning of the words of the statute to also advance the pro-competitive goals of the Act, the Commission must explicitly recognize that indirect interconnection is sufficient to trigger ILEC interconnection and collocation obligations.⁷ To rule otherwise would substantially limit the ability of competitors to transport telecommunications traffic generated through interconnection or access to UNEs because it would serve to deny collocation and cross-connections for CFPs. This result would damage the development of a competitive telecommunications market by solidifying a barrier to access to competitive transport facilities. As discussed in more detail below, this outcome is contrary to the purpose and plain language of the Act in general, and section 251(c)(6) in particular.

A. Competitive Fiber Providers Offer Services That Are Crucial For The Development of High Capacity Transport Facilities

Fiber Technologies is particularly concerned that the inability of CFPs to collocate for the purpose of cross-connecting with collocated CLECs would effectively lock CFPs out of ILEC premises and thwart CLEC advanced optical networking initiatives that use leased dark fiber capacity. This concern is based on the fact that many ILECs, especially independents, are excluding CFPs from their premises, even though their own fiber transport facilities are either not universally available or cannot provide the necessary service options or quality that CLECs

are able to obtain from other providers.⁸ This despite the fact that the Commission has recognized that competitive transport is also not sufficiently available to meet current CLEC requirements.⁹

Absent the ability to interconnect with CFPs on ILEC premises, CLECs that need access to interoffice transport must either self-provision transport, make arrangements to meet outside the ILEC premises, or rely upon ILEC transport. As the Commission has recognized, the cost and delay associated with self provisioning transport facilities materially limits the availability of this as a transport option.¹⁰ Providing for meets outside ILEC premises is similarly cost prohibitive, a single pull to a meet can cost more than \$100,000. Thus, in the absence of access to competitive fiber services, CLECs are left with little choice but to rely upon the ILECs as the perpetual transport provider of last resort.

In addition to the cost concerns associated with prohibiting indirect interconnection on ILEC premises, lack of access to CFPs is delaying the development of new advanced service networks. The UNEs currently defined by the Commission operate at rates up to OC-48 levels. Today CLECs are evaluating hardware capable of OC-192 and even OC-768 levels. CLECs would be blocked from using the advanced technology that enables them to build efficient,

⁷ *U.S. v. Menasche*, 75 S.Ct. 513, 520 (1955) (Every clause and word of a statute must be given effect, if possible).

⁸ For example, Frontier of Rochester has adamantly refused to provide Fiber Technologies with access to its premises for the purpose of providing competitive transport services, even though this has led to a number of problems related to a shortage competitive transport services. See *Proceeding on Motion of the Commission Pursuant to Section 97(2) of the Public Service Law, to Institute an Omnibus Proceeding to Investigate the Interconnection Arrangements between Telephone Companies*, Case No. 00-C-0789, Order Instituting Proceeding (NY PSC, May 5, 2000) (Investigating ways to facilitate better transport arrangements in New York).

⁹ *In the Matter of Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, FCC 99-238, ¶ 321 (1999) (“UNE Remand Order”).

¹⁰ *Id.* at ¶ 321.

competitive networks if they are not permitted to obtain fiber transport that are capable of operating at these levels. In addition, even if available, the use of ILEC transport facilities will reduce performance, because a so-called optical-electrical-optical translation must occur. This increases significant latency or delays of about 400% above optimum performance levels.

Furthermore, use of ILEC hardware for transport and cross-connection raises equipment compatibility issues that will further limit technology choice and likely decrease a CLEC's ability to deploy the most modern and advanced solutions available today. Use of ILEC hardware also reduces circuit reliability because additional electronic hardware will be placed in the circuit. In contrast, obtaining fiber from a CFP does not raise any of these issues. Thus, affording CLECs the ability to interconnect with CFPs on ILEC premises will unleash consumers from the constraints of today's legacy networks.

III. Section 251(c)(6) Requires That ILECs Permit Competitors To Interconnect With Each Other And With CFPs In ILEC Central Offices

In order to facilitate connections between the competitive fiber provider and CLECs, Fiber Technologies urges the Commission to rule that collocation and cross-connection for the purpose of providing interoffice transport is necessary to further the Act's purposes of introducing competition in all markets including those of independent ILECs, promoting facilities-based competition, investment and innovation. This result will also facilitate the efforts of innovative carriers such as Fiber Technologies that are presently attempting to provide a diverse array of competitive transport services specifically suited to the many different types carriers offering advanced services. Denial of cross-connections or collocation would prevent CFPs from providing competitive transport to CLECs and will, in turn, greatly hinder the deployment of advanced services to consumers.

A. Cross-Connects are "Necessary" Under Section 251(c)(6)

In the *Collocation Remand NPRM*, the Commission invited comment on whether cross-connects between collocators should be deemed "necessary" under section 251(c)(6).¹¹ Fiber Technologies believes that even under the most restrictive interpretation of the term "necessary," cross-connects are "equipment necessary for interconnection or access to unbundled network elements."¹² A cross-connect is "a connection scheme between cabling runs, subsystems, and equipment using patch cords or jumpers that attach connecting hardware on each end."¹³ Or, put more simply, cross-connects are the wires that carriers use to connect to each other's networks when they are in close proximity. As such, they are the most basic equipment necessary for interconnection. Without cross-connects between CLECs, there can be no interconnection between competitive carriers other than through the ILECs' networks.

B. Section 251(c)(6) Permits CLECs to Interconnect With One Another on ILEC Premises

The structure, plain language, and purpose of the act make clear that section 251(c)(6) requires that incumbents allow competitive providers to interconnect with each other directly while collocated in the ILEC facilities.¹⁴ The first three subsections of section 251 are structured such that each is narrower than the preceding subsection. Subsection (a) is the most broad and establishes "General duties of Telecommunications Carriers," including both local and long-

¹¹ *Collocation Remand Order and NPRM* at ¶ 88.

¹² 47 U.S.C. § 251(c)(6).

¹³ *Collocation Remand Order and NPRM* at n. 203.

¹⁴ See, e.g., *FDA v. Brown & Williamson Tobacco*, 120 S.Ct. 1291, 1301 (2000) ("It is a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme.").

distance carriers.¹⁵ Subsection (b) applies only to local exchange carriers, and subsection (c) is narrower still and applies only to incumbent local exchange carriers.¹⁶

Section 251(a)(1), the broadest subsection, creates a duty for all telecommunications carriers "to interconnect directly or indirectly with the facilities and equipment of other telecommunications carriers."¹⁷ The ordinary and fair meaning¹⁸ of "directly interconnect" in this subsection refers to situations in which a telecommunications carrier is itself interconnecting - - directly using wires and cables - - with any other carrier's network. In contrast, the ordinary and fair meaning of "indirectly interconnect" refers to situations in which a carrier is not itself interconnecting with the network of a given carrier, but is connecting through an intermediary. Accordingly, subsection 251(a)(1) specifically requires that each telecommunications carrier allow interconnection - - whether that interconnection is direct or indirect - - with the facilities of other carriers.¹⁹ The next section to address interconnection is section 251(c).²⁰ This section creates general duties that apply only to incumbent local exchange providers.²¹ Section 251(c)(2) requires that ILECs "provide, for the facilities and equipment of any requesting telecommunications carrier, interconnection with the exchange carrier's network."²²

¹⁵ 47 U.S.C. § 251.

¹⁶ *Id.*

¹⁷ *Id.* at § 251(a)(1).

¹⁸ *GTE Service Corp. v. FCC*, 205 F.3d 416, 424 (D.C. Cir. 2000) ("*GTE Service Corp.*").

¹⁹ 47 U.S.C. § 251(a)(1).

²⁰ *Id.* at § 251(c). Section 251(b) sets forth the obligations of all local exchange carriers and does not address interconnection. *Id.* at § 251(b).

²¹ *Id.* at § 251(c).

²² *Id.* at § 251(c)(2).

It is significant that 251(c)(2) does not limit the ILECs' interconnection requirement only to the duty to "direct interconnection" created under section 251(a)(1), but instead refers broadly to "interconnection."²³ In addition, the reference to "interconnection" contained in section 251(c)(6) is not qualified in any way that would suggest that the term is limited only to the duty to provide direct interconnection created under section 251(a)(1).²⁴ In fact, the context of the term "interconnection" in section 251(c)(6) indicates that congress intended a more expansive interpretation requiring that equipment be collocated for reasons more broad than simply to interconnect to the ILEC network. Specifically, the inclusion of the phrase "or access to unbundled network elements" after "interconnection" broadens the scope of equipment that may be collocated in the ILEC premises beyond that necessary solely for interconnection.

Thus, it appears that the drafters of the legislation understood that CLECs would need to collocate equipment in the ILEC premises for a broad variety of legitimate purposes. Thus, section 251(a)(1) creates duty for all carriers to allow interconnection either directly or indirectly and this duty is encompassed in section 251(c)(6). Had congress intended to restrict the scope of permissible collocation required in the ILECs' premises under section 251(c), it would have also expressly limited the duty it had already created in Section 251(a)(1) to interconnect both directly and indirectly. Accordingly, the Commission should not interpret the general term contained in section 251(c)(2) as having a meaning unrelated to the term employed in section 251(a)(1).²⁵ Rather, the Commission should read the two terms in harmony, and given the

²³ *Id.*

²⁴ *National Credit Union Admin. v. First Nat. Bank & Trust*, 118 S.Ct. 927, 939 (1998) (Similar language contained in the same section of a statute must be given a consistent meaning).

²⁵ *Weyerhaeuser Steamship v. U.S.*, 83 S.Ct. 926, 928 (1963).

context of section 251 the ordinary and fair reading of section 251(c)(2) is that an ILECs' duty to interconnect is not limited to direct interconnection, but encompasses both direct and indirect interconnection.²⁶

C. Section 251(c)(6) Requires that ILECs Provide Collocation on Reasonable and Nondiscriminatory Terms

The duty created in section 251(c)(6) to provide collocation on reasonable and nondiscriminatory terms further supports the conclusion that ILECs must permit CFPs to collocate and cross-connect with CLECs on ILEC premises. The Commission must interpret interconnection so as to avoid nullifying these terms.²⁷ Permitting ILECs to interconnect with all the CLECs collocated in their premises without also permitting CLECs to do the same would be unreasonable and blatantly discriminatory. This is the very type of unreasonable and competition-damaging discrimination that the Act prohibits. As a result, the interpretation that does not create internal inconsistencies within the text of the statute is that under section 251(c)(6), the ILECs cannot refuse cross-connection to any collocating CLEC. Any contrary rule would violate one of the basic purposes of the Act - - and of section 251(c)(6) - - to provide CLECs "nondiscriminatory access."²⁸

In addition, permitting CFPs to have access to CLECs collocated in ILEC premises is a reasonable term and condition of providing collocation to CLECs.²⁹ As discussed, absence of access to competitive fiber has significant negative consequences for CLECs. However,

²⁶ See *FDA v. Brown & Williamson*, 120 S.Ct. at 1301.

²⁷ *Id.* (Statutes are to be interpreted as a symmetrical and coherent regulatory scheme in which all parts must fit, if possible, into an harmonious whole); see also *U.S. v. Menasche*, 75 S.Ct. at 520.

²⁸ S. CONF. REP. No. 104-230, at 73 (1996).

²⁹ 47 U.S.C. § 251(c)(6).

requiring ILECs to provide access to competitive fiber services will not create any significant burden on ILECs. For example, in situations where cabling must be run for any distance between CLECs' collocation space it is not likely that this would increase any burdens on ILECs because central offices by their very nature are set up for running cabling and performing interconnection. In fact, it could reduce the burden on ILECs by decreasing the number of individual companies pulling fiber into ILEC facilities and by opening the way for more alternatives to collocation of equipment at ILEC premises.

As an indication of the low burden, many ILECs already provide entrance facilities for CFPs, although at retail rates. For example, Bell Atlantic provides a Competitive Alternate Transport Terminal ("CATT") which provides a "shared, alternate splice point within a Telephone Company central office at which a third party CFP can terminate its facilities for distribution to Expanded Interconnection arrangements within that central office."³⁰ This arrangement allows CFPs to pull fiber through the ILECs' cable vault and terminate it on a frame in the ILEC central office. Any collocated customer is then permitted to utilize CFP fiber for high capacity interoffice dedicated transport.³¹

Nevertheless, most ILECs, especially independents, are not offering this type of fiber termination arrangement even at retail rates. This greatly impedes the ability of CFPs such as Fiber Technologies to provide alternative transport facilities because they are not permitted to

³⁰ See The Bell Atlantic Telephone Companies Tariff F.C.C. No. 11 at § 28.11.1 attached hereto as Exhibit A.

³¹ *Id.* See also *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Letter from Dee May – Bell Atlantic to Magalie R. Salas, Secretary, Federal Communications Commission (filed July 13, 1999). Bell Atlantic argued that the availability of CATT counseled against unbundling ILEC dedicated transport services for offering as a network element. *UNE Remand Order* at ¶ 337.

connect their networks to those of the CLECs in ILEC central offices. Requiring ILECs to permit the collocation of, and cross-connection to, competitive fiber facilities would provide options to CLECs so that they would not be forced to route their calls through the ILEC or toll networks. Without mandatory collocation or access to services such as Verizon's CATT service as a reasonable condition of collocation, CLECs and ISPs are unable to access Fiber Technologies' network, and therefore are unable to lower the cost of transport. This makes CLEC services more costly, especially in small cities, suburbs, and rural areas.³² Requiring the collocation of CFP facilities or services like CATT will facilitate physical interconnection between independent carriers and CLECs and will lower transport costs for calls between such carriers, thereby promoting the goals of the Act. This benefit to CLECs and to consumers, and the relative lack of burden on ILECs associated with providing CFPs access to their premises, renders this a reasonable term and condition of providing collocation to CLECs under section 251(c)(6) of the Act.

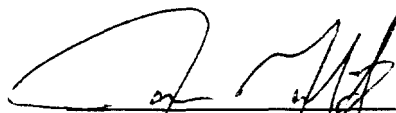
IV. Conclusion

Accordingly, the plain meaning and structure of Section 251 make clear that the Act requires ILECs to permit competitive providers that are collocated on ILEC premises to interconnect with on another directly, without having to go through the incumbents' networks. Specifically, when one CLEC connects to another that is, in turn, collocated in an ILEC premises for the purpose of obtaining access to UNEs, both carriers are interconnecting and obtaining access to UNEs within the meaning of the Act. Fiber Technologies urges the Commission to

³² See, generally, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Letter from Thomas Jones – Counsel for New England Voice and Data, LLC to Magalie R. Salas, Secretary, Federal Communications Commission, p. 2 (filed July 15, 1999).

clarify that the requirement contained in section 251(c)(6) that ILECs' provide physical collocation of equipment "necessary for interconnection . . . at the premises of the local exchange carrier" is best read to include interconnection between CLEC and CFP networks.

Respectfully submitted,



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October 12, 2000

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EXHIBIT A
CATT TARIFF

346496.6

ACCESS SERVICE

28. Expanded Interconnection (Cont'd)28.11 Provision of Facilities Involving a Competitive Alternate Transport Terminal

(N)

28.11.1 General

The Competitive Alternate Transport Terminal (CATT) provides a shared, alternate splice point within a Telephone Company central office at which a third party competitive fiber provider (CFP) can terminate its facilities for distribution to Expanded Interconnection arrangements within that central office.

28.11.2 CATT Arrangement

The CATT arrangement allows for the splicing of a CFP's facilities at or near the cable vault within a Telephone Company central office for the sole purpose of distributing such facilities to Expanded Interconnection arrangements within that central office.

A maximum of 432 and a minimum of 72 fibers of the CFP's facilities may be spliced at the CATT. At the option of the CFP, up to an additional 432 diversely routed fibers may be spliced at the CATT, provided that separate entry is available. In those central offices with only one entry point, a CFP may request Special Construction of any additional entry points as described in Sections 2.1.3, 5.1.7 and 28.1.11 preceding.

Splicing of the CFP's fiber optic cable will be accomplished using standard splicing measures or fusion splicing. Fusion splicing may require the use of an alternate splice area as determined by the Telephone Company. The Telephone Company and the CFP will agree on an acceptable database loss for the splice. A minimum of 24 fibers must be terminated at the CATT for use in the central office.

The CFP is responsible for all splicing done at the CATT.

For all installations to/from a CATT, the CFP shall complete a Method of Procedures (MOP) detailing the installation work to be performed by the CFP. The MOP shall be agreed upon and signed by a Telephone Company representative and a CFP representative prior to the beginning of any work effort within the CATT space. The CFP shall prominently display the signed MOP at the equipment bay while performing any work functions.

(N)

(TR 1169)

Issued: July 19, 1999

Effective: August 3, 1999

Vice President
2980 Fairview Park Drive, Falls Church, VA 22042

ACCESS SERVICE

28. Expanded Interconnection (Cont'd)28.11 Provision of Facilities Involving a Competitive Alternate Transport Terminal (Cont'd) (N)28.11.2 CATT Arrangement (Cont'd)

All CFP-provided facilities and splices must comply with the Technical Specifications specified in 28.1.7(D) and (E) preceding.

All applicable universal regulations for fiber optic interconnection as set forth in 28.9 preceding apply to the CFP and its facilities to the CATT.

28.11.3 Provision of CFP Facilities to the CATT

The CFP will be responsible for supplying, installing (for which the CFP must have a Telephone Company-approved vendor handle the installation) and maintaining the cabling between the cable vault of the central office involved and the CATT area. The CFP is further responsible for the physical splicing of its fiber optic cable to the CATT. An authorized representative of the Telephone Company will accompany the CFP or Telephone Company-approved vendor, as applicable, during cable installation or at any time that either party is in the CATT area. Escort Service charges as set forth in 28.11.5 following will apply.

The CFP must provide a Telephone Company approved splice tray and cable enclosure prior to any splicing to the CATT. The Telephone Company will provide equipment support for the CFP splice tray and enclosures as set forth in 28.11.5(D) following. Enclosures must equal the capacity of the installed fiber at 72 fibers per shelf. CFPs may reserve space for additional shelves for future use until such time as the Telephone Company requests the reserved space to meet another CFP's request. (N)

(TR 1169)

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Vice President
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ACCESS SERVICE

28. Expanded Interconnection (Cont'd)

28.11 Provision of Facilities Involving a Competitive Alternate Transport Terminal (Cont'd)

(N)

28.11.3 Provision of CFP Facilities to the CATT (Cont'd)

The CFP will not store any equipment in the CATT area other than the splice tray and cable enclosure.

Installation of CFP facilities is subject to all applicable regulations for customer provided facilities as set forth in 28.3.2 preceding.

Cable Space Fixed rates, as set forth in 28.11.5(C) following, apply to the CFP per cable installed for the support structure between manhole zero and the CATT area.

Facilities provided by a CFP are further subject to all applicable regulations pertaining to the provision of service as set forth in 28.1.1, 28.5.1 and 28.6.1 preceding.

All testing of the spliced facility (e.g., end-to-end, bi-directionality, etc.) and attenuation, when required, is the responsibility of the CFP.

(N)

(TR 1169)

Issued: July 19, 1999

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ACCESS SERVICE

28. Expanded Interconnection (Cont'd)28.11 Provision of Facilities Involving a Competitive Alternate Transport Terminal (Cont'd)

(N)

28.11.4 Provision of Facilities Between the CATT and Physical or Virtual Expanded Interconnection Arrangements

In New York Telephone, the Expanded Interconnection customer (i.e., collocator) will be responsible for supplying fire retardant cable, installing (for which the collocator must have a Telephone Company-approved vendor handle the installation) and maintaining the cabling in a minimum of 12 strand increments between the CATT and any physical or virtual Expanded Interconnection arrangements to which its facilities are distributed using Telephone Company support structures at these locations. For Virtual Expanded Interconnection arrangements, the Telephone Company will be responsible for providing the cabling in a minimum of 12 strand increments between the CATT and the Virtual Expanded Interconnection fiber distributing frame and passing the cable to the CFP for splicing. Escort Service charges as set forth in 28.11.5 following will apply.

In New England Telephone, the Expanded Interconnection customer (i.e., collocator) will be responsible for supplying fire retardant cable in a minimum of 12 strand increments which the Telephone Company will install and maintain between the CATT and any physical or virtual Expanded Interconnection arrangements to which its facilities are distributed using Telephone Company support structures at these locations, subject to the charges set forth in Section 31.13.2 following.

(N)

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ACCESS SERVICE

28. Expanded Interconnection (Cont'd)28.11 Provision of Facilities Involving a Competitive Alternate Transport Terminal (Cont'd)

(N)

28.11.4 Provision of Facilities Between the CATT and Physical or Virtual Expanded Interconnection Arrangements (Cont'd)

The Cable Space rate as set forth in 28.11.5(C) following will apply on a per cable, per linear foot basis as follows. The Cable Space Fixed month rate will apply to the CFP and the Cable Space Per Linear Foot, per cable monthly rate will apply to the ordering Expanded Interconnection customer.

The CATT to Virtual Fiber Distributing Frame rate applies to the Virtual Expanded Interconnection customer as described in 28.5.1 preceding at the rates set forth in Section 31.28.2 following.

Installation of CFP facilities from the CATT is subject to all applicable regulations for customer provided facilities as set forth in 28.3.2 preceding.

Facilities provided from the CATT are further subject to all applicable regulations pertaining to the provision of service as set forth in 28.1.1, 28.5.1 and 28.6.1 preceding.

All testing of the spliced facility (e.g., end-to-end, bi-directionality, etc.) and attenuation, when required, is the responsibility of the CFP.

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28. Expanded Interconnection (Cont'd)28.11 Provision of Facilities Involving a Competitive Alternate Transport Terminal (Cont'd)

(N)

28.11.5 Rates and Charges

(A) CATT Application Fee

A CATT Application Fee, as set forth in Section 31.28.11 following, is to be submitted by the CFP in order to process their completed application. This fee applies for application processing and administrative activities performed by the Telephone Company in the processing of the request. The CATT Application Fee applies for each request in which CFP facilities will be spliced at the CATT. If the CFP cancels its request prior to installation, any unused portion of the CATT Application Fee will be refunded.

(B) Engineering and Implementation Fee

An Engineering and Implementation Fee, as set forth in Section 31.28.11 following, applies as a one-time charge for planning, Telephone Company engineering and project management of the request to terminate facilities to the CATT.

(C) Cable Space

The Cable Space rate applies for cable space and support within the serving central office entrance manhole and the CATT arrangement. Cable space rates apply to the CFP as a fixed monthly rate per cable and to the Expanded Interconnection customer as a rate per linear foot, per cable as set forth in Section 31.28.1(B)(1) following.

(N)

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28. Expanded Interconnection (Cont'd)28.11 Provision of Facilities Involving a Competitive Alternate Transport Terminal (Cont'd)

(N)

28.11.5 Rates and Charges (Cont'd)

(D) Equipment Support

The Equipment Support rate applies monthly to CFP for Telephone Company support services including the cost of providing the equipment bay for the splice enclosure and associated floor space. The Equipment Support rate applies per 72 fibers, per shelf and will be assessed based on the size of the cable installed, regardless of whether or not the actual cable has been spliced or terminated. Equipment Support rates are set forth in Section 31.28.11 following.

(E) Escort Service

Escort Service is required in a Telephone Company central office for all activity performed by the CFP from the manhole to the CATT. In New York Telephone, Escort Service in a Telephone Company central office is also required by the ordering customer (i.e., Collocator) for all activity from the CATT to a physical or virtual collocation arrangement. The CFP's or Collocator's personnel, as applicable, will be allowed access only when a qualified Telephone Company escort is available. The Telephone Company shall provide an escort on reasonable notice subject to the charges set forth in 31.13.2 following.

(N)

(TR 1169)

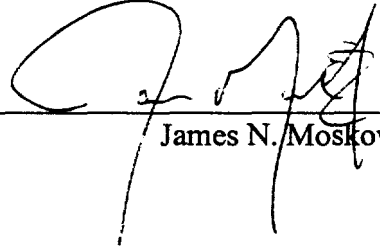
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CERTIFICATE OF SERVICE

I, James N. Moskowitz, hereby certify that on this 12th day of October, 2000 the foregoing Comments of Fiber Technologies, LLP were delivered by hand to the following:


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